HIGH COURT OF UTTARANCHAL AT-NAINTIAL

Writ Petition No. 448 (M/B) of 2004

Jibanand Sharma S/o Sri Ram Sharan Sharma,
And another. …Petitioners

Vs.

State of Uttaranchal through
Its Addl. Secretary, Education,
And another. …Respondents

Sri L.P. Naithani, learned Senior Counsel.
i.b. Sri Rakesh Thapaliyal, learned counsel for the petitioners.
Sri U.K. Uniyal, learned Addl. Advocate General for the State,

Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.

Heard Sri L.P. Naithani, learned Senior Counsel assisted by Sri Rakesh Thapaliyal, learned counsel for the petitioners and Sri U.K. Uniyal, learned Addl. Advocate General for the State.

By means of this writ petition the petitioner has challenged the transfer policy dated 24.05.2004 framed by the Govt. of Uttaranchal.

By the aforesaid policy certain guidelines have been issued relating to the transfers of teachers who are working in the Basic Schools, Madh7yamic Schools and Intermediate Colleges in the State of Uttaranchal.

The petitioners are the teachers working in L.T. Grade in Govt. Intermediate College, Kotdwar, District Pauri Garhwal.

In the petition the petitioners could not show any ground on the basis of which the policy framed by the Govt. can be challenged. Further, at present the petitioners are not, at all, aggrieved because no order has been passed in lieu thereof by transferring the petitioners.

We find no clause in the said policy, which can be said to be arbitrary or unreasonable so as to cause prejudice at this stage.

By means of the aforesaid policy, the Govt. has categorised the teachers to the various categories such as, the urban areas in which the teachers are teaching for a long period and are getting all the facilities available in the city areas. The next category is of the assessable area (Sugam Kshetra) in which the teachers are teaching in a School which is situated in Nagar Palikas, Tehsils, Town Areas, Block head quarters

or are situated within the area of two kilometers of the Nagar Palikas, Tehsils, Town Areas, Block Head Quarters. The third category is of non-assessable area (Durgam Kshetra)- the area, which is situated up to 5 kilometers from the road-heard and the fourth declared category, is the remote areas (Ati Durgam Kshetra)- the area, which is, situated more than 5 kilometers from the road-head and the last declared category is of (Ati Durgam) Special Schools which are situated in the place approachable only on foot they are being specially demarcated in the policy. This categorization of schools cannot said to be the arbitrary or unreasonable. The policy of the Govt. is to frame a guideline for the transfers of the teachers who are teaching for more than ten years in the city, to the area, which is difficult, and further the teachers who are teaching in the difficult areas for more than ten years may be transferred to the city areas.

This classification cannot be said to be unreasonable or arbitrary. We also find that by framing the policy, the petitioners have not been affected adversely, the writ petition is not maintainable at this stage as it has been filed mere on apprehensions.

With the aforesaid observations, the writ petition is finally disposed of. Liberty is given to the petitioners to challenge the order, at the appropriate stage.

(Rajesh Tandon, J.) **(M.M. Ghildiyal, J.)**

June 3, 2004
NCM: